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7 Attorneys for Plaintiff,

8 LAUREN HERMAN

9 **UNITED STATES DISTRICT COURT**

10 **DISTRICT OF NEVADA**

11 LAUREN HERMAN, an individual,

12 Plaintiff,

13 vs.

14 ELKO COUNTY, NEVADA, a governmental
15 entity; AITOR NARVAIZA, an individual;
16 DOUGLAS FISHER, an individual; AMY
LEWIS, an individual; CRYSTAL COX, an
17 individual; JUSTIN AMES, an individual;
AMANDA OSBORNE, an individual; DOE
18 INDIVIDUALS I-X; and ROE ENTITIES I-
X,

19 Defendants.

CASE NO.

20 **COMPLAINT WITH JURY
DEMAND**

21
22 Plaintiff LAUREN HERMAN (“Ms. Herman”), by and through her undersigned attorneys
23 at Clark Hill PLC, brings this action pursuant to 42 U.S.C. § 1981, 42 U.S.C. § 1983, and related
24 claims for damages permitted by Nevada law, as follows:

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JURISDICTIONAL ALLEGATIONS

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2 1. Ms. Herman is an individual residing in Elko County, Nevada.

3 2. Defendant AITOR NARVAIZA is an adult citizen, a Nevada resident, and is
4 employed by Defendant ELKO COUNTY, by and through ELKO COUNTY SHERIFF'S OFFICE,
5 as Sheriff. Pursuant to Section 32 of the Nevada Constitution, Defendant NARVAIZA is an officer
6 of Defendant ELKO COUNTY. Defendant is a final policymaker for Defendant ELKO COUNTY
7 as he is responsible for formulating its law enforcement policies and procedures as well as
8 implementing them. Defendant is also a final policymaker for ELKO COUNTY SHERIFF'S
9 OFFICE as he is in charge of formulating and implementing internal policies and procedures,
10 including officer discipline, as well as supervising the conduct of ELKO COUNTY SHERIFF'S
OFFICE employees. He is sued in his individual capacity.

11 3. Defendant JUSTIN AMES is an adult citizen, a Nevada resident, and is employed
12 by Defendant ELKO COUNTY, by and through ELKO COUNTY SHERIFF'S OFFICE, as
13 Undersheriff. He is sued in his individual capacity.

14 4. Defendant DOUGLAS FISHER is an adult citizen, a Nevada resident, and is
15 employed by Defendant ELKO COUNTY, by and through ELKO COUNTY SHERIFF'S OFFICE,
16 as Lieutenant. He is sued in his individual capacity.

17 5. Defendant AMY LEWIS is an adult citizen, a Nevada resident, and at all times
18 relevant to the allegations asserted herein, was employed by Defendant ELKO COUNTY, by and
19 through ELKO COUNTY SHERIFF'S OFFICE, as former Human Resources Director. She is sued
20 in her individual.

21 6. Defendant CRYSTAL COX is an adult citizen, a Nevada resident, and is employed
22 by Defendant ELKO COUNTY, by and through ELKO COUNTY SHERIFF'S OFFICE, as
Detective Sergeant. She is sued in her individual capacity.

23 7. Defendant AMANDA OSBORNE is an adult citizen, a Nevada resident, and is
24 employed by Defendant ELKO COUNTY as Human Resources Manager. She is sued in her
25 individual capacity.
26

1 8. Defendant ELKO COUNTY is a political subdivision of the State of Nevada, and is
2 responsible for the health, safety, and welfare of all persons within its borders and oversees ELKO
3 COUNTY SHERIFF'S OFFICE in its administration and provision of law enforcement services.

4 9. The true names and capacities, whether individual, corporate, associate, partnership,
5 or otherwise of Defendants herein designated as DOE INDIVIDUALS I-X and ROE ENTITIES I-
6 X are unknown to Ms. Herman, who therefore sues said Defendants by such fictitious names for
7 the time being.

8 10. Ms. Herman will request leave of the Court to insert the true names and capacities
9 of DOE and ROE Defendants when the same have been ascertained and will further request leave
10 to join said Defendants to the instant action.

11 11. At all times relevant to this Complaint, all the actions of the County, Sherrif
12 NARVAIZA, Undersheriff AMES, Lieutenant FISHER and Sergeant COX were performed under
13 color of state law and pursuant to their authority as law enforcement officers.

14 12. This Court has original jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1343 over
15 Plaintiff's causes of action arising under the United States Constitution and also pursuant to 42
16 U.S.C. § 1983. This Court has supplemental jurisdiction over Plaintiff's causes of action arising
17 under Nevada law pursuant to 28 U.S.C. § 1367.

18 13. Venue lies in the United States District Court for the District of Nevada pursuant to
19 28 U.S.C. § 1391(b)(2) because the events or omissions giving rise to Plaintiff's claims occurred
20 in and around Elko County, Nevada and Defendants are domiciled and/or employed in Elko
21 County, Nevada.

22 14. Plaintiff has exhausted her administrative remedies under Title VII of the Civil
23 Rights Act of 1964 as amended. Specifically, Plaintiff commenced a charge of discrimination by
24 timely filing intake paperwork with the Equal Employment Opportunity Commission ("EEOC").
25 Plaintiff also commences this suit within 90 days of receipt of a right to sue notification from the
26 EEOC.

 15. On any issue herein triable of right by a jury, Plaintiff demands a jury pursuant to
FRCP 38.

GENERAL ALLEGATIONS

16. Ms. Herman was hired by the Elko County Sheriff's Office in August of 2017 as a Deputy.

17. Ms. Herman quickly gained seniority at her job as there were high turnover rates for detectives.

18. In October of 2021, Ms. Herman transferred into the Investigation Division as a detective.

Discriminatory Conduct

19. On December 29, 2022, Defendant FISHER lured Ms. Herman into his office under the pretense of a death investigation that Ms. Herman was assigned to as lead detective.

20. Defendant FISHER began to insert himself into the investigation, inquiring about personal property that belonged to the decedent, despite knowing that any property entered in evidence could only be released with the permission of the District Attorney's Office.

21. After Defendant FISHER inquired about an arrest operation she was working, Ms. Herman advised that she and the other detectives were forming an arrest operation regarding a sexual assault case.

22. Ms. Herman was discussing the importance of the case when Defendant FISHER commented to the effect of, "it's just a sex offense."

23. At the time of the offensive conduct, Ms. Herman was the only female detective employed at the Elko County Sheriff's Office.

24. Elko County Policy E4.2 Anti-Harassment states "Elko County promotes a productive work environment and does not tolerate verbal, physical, or graphical conduct/behavior(s) that harasses, disrupts or interferes with another's work performance or that creates an intimidating, offensive or hostile environment based on that person's race, color, religion, age, gender...or any other basis that is inappropriate or offensive."

25. Elko County Policy E4.2.2 states examples of prohibited conduct/behavior(s) include but are not limited to: "1. Offensive verbal communication including slurs, jokes, epithets, derogatory comments, degrading, or suggestive words or comments."

1 26. Defendant FISHER attempted to persuade detectives not to execute the operation to
2 detain the suspect in the sexual assault case.

3 27. In an attempt to stymie the arrest operation, Defendant FISHER falsely told
4 Defendant AMES that detectives were trying to work the holiday to get holiday pay.

5 28. Defendant FISHER did not make similar comments to male detectives in the unit.
6 Indeed, the only reason Defendant FISHER engaged in this commentary was because Ms. Herman
7 is a female.

8 29. Ms. Herman immediately reported the offensive conduct to her supervisor at the
9 time, Nicholas Stake.

10 30. Mr. Stake spoke to Defendant AMES regarding Ms. Herman's report of sexual
11 harassment. Mr. Stake told Defendant AMES that discrimination was illegal.

12 31. Defendant AMES advised Mr. Stake that Defendant FISHER would be apologizing
13 to Ms. Herman.

14 32. Instead of receiving an apology, Defendant AMES accused Ms. Herman of lying
15 and ignored the report.

16 ***Retaliation Prior to Formal HR Complaint***

17 33. Despite having knowledge of Ms. Herman's complaints, Defendant AMES
18 redirected blame to Ms. Herman and uplifted Defendant FISHER.

19 34. It became clear that Defendants AMES and FISHER sought to retaliate against Ms.
20 Herman for her complaint.

21 35. On February 24, 2023, Ms. Herman was involved in an automobile accident while
22 in her Elko County vehicle.

23 36. At the time of the accident, Defendants AMES and FISHER were out of the county.

24 37. Detective Grebenc contacted direct supervisor Detective Corporal Hankel, to advise
25 that Ms. Herman was involved in an accident.

26 38. Ms. Herman contacted Elko Central Dispatch to send city officials to her location.

 39. At the direction of Defendants AMES and FISHER, Ms. Herman was directed to
submit to a urinalysis.

1 40. This was not common practice and was unequal treatment toward Ms. Herman.

2 41. While the Elko County Sheriff's Office has a policy regarding drug and alcohol
3 testing when an employee is involved in an accident while in a county vehicle, this policy was
4 indiscriminately applied at the behest of Defendants FISHER and AMES against Ms. Herman.

5 42. A minimum of five other deputies as well as a sergeant who had been involved in
6 auto accidents were not required to submit to any drug or alcohol testing after the accidents.

7 ***The Deficient Internal Investigation and Reprimand***

8 43. On April 14, 2023, due to the inaction by Mr. Stake, Ms. Herman filed a formal
9 harassment complaint against Defendant FISHER with the Human Resources Department.

10 44. Upon handing her complaint to Human Resources Director Defendant LEWIS,
11 Defendant LEWIS responded to the effect of, "thanks for ruining my day."

12 45. In a follow up interview to inquire into details surrounding her complaint, Defendant
13 LEWIS and Mr. Rand were present, along with Detective Grebenc.

14 46. Mr. Rand's involvement in a Human Resources investigation is unprecedented.

15 47. Ms. Herman specifically advised that although the office was full of detectives at
16 the time of the underlying incident, Defendant FISHER targeted her partially because she is the
17 only female detective and further because Defendant FISHER viewed her as the "weakest link."

18 48. Defendant LEWIS attempted to redirect the meeting to a discussion regarding Ms.
19 Herman's personal medical history.

20 49. Defendant LEWIS, purportedly employed as the Human Resources Director,
21 redirected stating, "That's a perception, not a fact."

22 50. When Ms. Herman reported that Defendant FISHER's interference took time away
23 from the investigation, she was confronted with biased accusations claiming the interaction was
24 *only* ten to fifteen minutes and that she has an entire team working on the investigation. Specifically,
25 after reiterating that the incident lasted approximately ten to fifteen minutes, Defendant LEWIS
26 pointedly stated, "In *your mind*, this took away from the investigation."

 51. Finally, Defendant LEWIS attempted to resolve Ms. Herman's complaints by
blaming her for having a personal mentor-mentee relationship with Defendant FISHER, continually

1 asking how his comment that the case was “just a sex offense” was any different than discussions
2 that took place in the course of their relationship.

3 52. On May 31, 2023, Ms. Herman received correspondence from Defendant Human
4 Resources Director LEWIS. The correspondence informed Ms. Herman that an investigation was
5 conducted into her complaint and the allegations raised could not be substantiated against
6 Defendant FISHER.

7 53. Further, the correspondence from Defendant LEWIS blamed Ms. Herman for her
8 “perceived impression” of the events.

9 54. On June 7, 2023, Ms. Herman inquired from Defendant LEWIS why the written
10 decision only referred to harassment and bullying and did not address her complaints of slander
11 and a hostile work environment.

12 55. On June 14, 2023, Defendant LEWIS responded to Ms. Herman stating, “As
13 documented in the letter provided, ‘Therefore, the investigation was unable to substantiate your
14 allegations of harassment and bullying against Lt. Fisher on all occasions listed within your
15 complaint.’ The ‘all occasions listed within your complaint’ portion encompasses what you are
16 inquiring about below.”

17 56. On June 15, 2023, Ms. Herman responded to Defendant LEWIS stating that she was
18 confused because the sentence referenced in LEWIS’s email specifically resolved the harassment
19 and bullying allegations, but nowhere in the decision did it address nor resolve slander or hostile
20 work environment claims.

21 57. On the same day, Defendant LEWIS responded, “For clarification, a hostile work
22 environment is part of our anti-discrimination policy. I apologize for the confusion. We did
23 thoroughly investigate your complaint of hostility/slandering, and we were unable to substantiate
24 your allegations.” In fact, no investigation was performed.

25 58. Upon information and belief, Defendant LEWIS was involved in a personal affair
26 with Defendant FISHER.

1 59. Because of the personal affair between Defendant LEWIS and Defendant FISHER,
2 it was a conflict of interest for Defendant LEWIS to be involved in any investigation involving
3 Defendant FISHER.

4 60. Upon information and belief, Mr. Rand was only involved in the subject
5 investigation due to the personal affair between Defendant LEWIS and Defendant FISHER.

6 61. Mr. Rand's involvement in the investigation required approval by the County
7 Manager, Defendant OSBORNE. Such approval was neither sought nor received.

8 62. Due to the personal affair, a thorough investigation was never completed into the
9 complaint submitted by Ms. Herman.

10 63. Every person involved in the interaction between Ms. Herman and Defendant
11 FISHER was not interviewed.

12 64. The following witnesses, who were not interviewed, would have provided
13 information pertinent to the interaction: Detective Hankel, Detective Grebenc, and Detective Shoaf.

14 65. Defendant FISHER was not reprimanded or counseled for his behavior.

15 66. Defendant ELKO COUNTY knew, or should have known, about the harassment
16 and failed to stop it.

17 ***The Hostile Environment Increases***

18 67. After Ms. Herman submitted her complaint to Human Resources, conduct creating
19 the hostile work environment escalated.

20 68. Pursuant to Elko County Sheriff's Policy 510.3.1 and E1, "Discriminatory
21 harassment is verbal or physical conduct that demeans or shows hostility or aversion toward an
22 individual based upon that individual's protected class. It has the effect of interfering with an
23 individual's work performance or creating a hostile or abusive work environment."

24 69. Defendant FISHER and Defendant AMES were angry with Ms. Herman for
25 submitting her complaint to Human Resources.

26 70. Indeed, Defendant AMES told Mr. Stake there was going to be "serious fallout" for
the HR complaint not going to him first. This was after Mr. Stake had several discussions with
Defendant AMES prior to Ms. Herman going to HR with her complaint.

1 71. Defendant FISHER and Defendant AMES created a plan to make Ms. Herman
2 miserable at work to get the only female detective out of the unit or force her to resign.

3 72. It became clear that Defendant LEWIS was integral to this plan and coordinated
4 with Defendants FISHER and AMES to retaliate against Ms. Herman.

5 73. On or about October 11, 2023, Ms. Herman was coerced into signing a document
6 stating she would be reporting to Defendant FISHER as her immediate supervisor.

7 74. On December 10, 2023, Ms. Herman was out of the jurisdiction for training in Las
8 Vegas, Nevada. While attending this training, Ms. Herman was not required to have her
9 department-issued cell phone nor required to respond to any work-related emails or phone calls.

10 75. On December 18, 2023, at 07:30 hours, Ms. Herman returned to the Elko County
11 Sheriff's Office. When she returned, she had many emails, voicemails, and members of the
12 community to attend to.

13 76. One such email, sent on December 11, 2023, while she was out of the office at
14 training, was a meeting invite for a detective meeting scheduled for December 18, 2023, at 13:30
15 hours. The email was not sent with a read receipt, nor flagged with high importance.

16 77. Further, Ms. Herman had a scheduled meeting with the Elko County Police
17 Department regarding a high-profile case in which the Elko County Sherriff's Office Investigators
18 were assisting.

19 78. Detective Corporal Marty Hankel, who was Ms. Herman's direct supervisor, was
20 also in attendance at the meeting with the Elko County Police Department and approved Ms.
21 Herman's participation in same.

22 79. On December 18, 2023, Ms. Herman and Detective Grebenc were at Mudd Hutt for
23 lunch. When they arrived, they observed the vehicles of Defendant NARVAIZA, Defendant
24 AMES, and Detective David.

25 80. It was learned that the purpose of the December 18, 2023, meeting was for
26 Defendant NARVAIZA and Defendant AMES to tell Detective David that Ms. Herman and
Detective Grenbac were speaking poorly about her.

1 81. The true purpose of the December 18 meeting was to discuss a way to oust Ms.
2 Herman from her position.

3 82. On Monday December 19, 2023, Ms. Herman was served with a Letter of
4 Reprimand (“LOR”) from Defendant FISHER. The LOR was issued under the guise of attendance,
5 performance, and insubordination.

6 83. The LOR’s stated purpose was for failure to attend a detective meeting which
7 occurred on or about December 18, 2023, the day prior to the LOR being issued.

8 84. Another purported basis of the LOR was Ms. Herman allegedly being
9 “disrespectful” to a team member, Detective David. This was the same Detective that Defendants
10 AMES and NARVAIZA met with the day prior.

11 85. Ms. Herman submitted written correspondence to rebut the LOR’s allegations.

12 86. Ms. Herman’s rebuttal to the LOR was ignored.

13 87. Defendant FISHER disciplined Ms. Herman without any investigation taking place.

14 88. The LOR is maintained in Ms. Herman’s permanent personnel file.

15 ***The Peak of the Hostile Work Environment***

16 89. On March 13, 2024, Ms. Herman returned to her position with the Department on
17 light duty after taking medical leave for surgery. Upon her return, her direct supervisor Defendant
18 COX refused to speak to Ms. Herman directly and would only communicate via email.

19 90. The Department failed to inform Ms. Herman of important policy changes, all in an
20 effort to find a reason to discipline her or oust her from the Department.

21 91. Upon information and belief, the Department is making upcoming changes to its
22 uniform policy, but those changes have not been codified in writing.

23 92. Specifically, Ms. Herman learned through other colleagues that the Department,
24 through Defendant COX, announced its disapproval of jeans as appropriate attire. When one of the
25 detectives inquired about the reason for the upcoming change, Defendant COX stated, “Because
26 I’m your Sergeant.”

1 93. Previously, especially while on light duty, the policy was that business professional
2 attire, including jeans and a blouse, were appropriate. The Department is purposefully targeting her
3 with the uniform policy in an attempt to garner a reason to oust her from the Department.

4 94. Since the filing of her EEOC charge, Ms. Herman has been subjected to continuing
5 retaliation. The Department is willfully excluding Ms. Herman in an effort to substantiate any
6 discipline it can pretextually create.

7 95. Defendant COX made it clear to Ms. Herman that she has spoken with Defendant
8 FISHER and he has “told her everything” that is going on within the detectives’ unit. While
9 Detective Cox has not mentioned Herman’s EEOC charge directly, her statements confirm its basis
10 for the isolating treatment towards Ms. Herman.

11 96. Defendant FISHER advised a new detective, Detective Williams, about “issues” in
12 the detectives’ unit, referring to Ms. Herman, to which Williams advised FISHER that it was not
13 his business, and he did not want Fisher to “color his glasses” as it was not a fair approach.

14 97. On April 10, 2024, detectives received an email from Defendant COX regarding bi-
15 weekly stat sheets. Notably, while there are six detectives in the unit, the email was only sent to
16 four of the detectives, including Ms. Herman.

17 98. Notably, removed from the email was Defendant COX’s own husband who is a
18 detective working with the NDI task force and the detective coroner. The email details a new policy
19 to submit bi-weekly stat sheets with the employee’s time sheet due to an allegation that detectives
20 in the unit have falsified time sheets.

21 99. After returning from lunch, Detectives Herman, Williams, and Grebenc were
22 discussing the email, when Defendant COX abruptly interrupted, advising them that they needed
23 to read the email and click “accept” on the read notification. She threatened, “Don’t make me make
24 this policy.”

25 100. In a follow-up meeting on the same day regarding the stat sheets, Ms. Herman
26 requested to record the interaction due to ongoing issues with the administration. Defendant COX
was notably angry and told Ms. Herman she was not being disciplined and thus, had no reason to
record the interaction.

1 101. When Ms. Herman disagreed and expressed her desire to record the meeting,
2 Defendant COX begrudgingly decided to record the meeting herself as well.

3 102. On October 31, 2024, Ms. Herman was assigned as the on-call detective and was
4 notified by Elko Central Dispatch of a homicide in Osino, Nevada.

5 103. Ms. Herman contacted her supervisor, Defendant COX, who informed Ms. Herman
6 that she had already been informed of the homicide by Defendant FISHER. Defendant COX
7 requested Ms. Herman meet her and Detective Alex Cox, Defendant COX's husband, at the Elko
8 County Sheriff's Office.

9 104. Pursuant to policy, whomever is assigned as the on-call detective becomes the lead
10 detective on the case.

11 105. Ms. Herman appeared on scene and spoke with Sergeant Auvil, who had the suspect
12 detained, and already in a *de facto* state of arrest.

13 106. Ms. Herman proceeded to speak to Defendant AMES, Defendant COX, and
14 Detective A. Cox, and advised them of four persons who needed to be interviewed, who were
15 standing on the opposite side of the road.

16 107. Ms. Herman then followed Sergeant Auvil to the Elko County Detention Center to
17 process the suspect and conduct an interview of the suspect.

18 108. While en route to the Elko County Detention Center, Ms. Herman received a call
19 from Defendant AMES stating he was sending Detective A. Cox to assist as he had just learned of
20 new information about the case. Defendant AMES asked Ms. Herman to hold off on interviewing
21 the suspect until Detective A. Cox arrived.

22 109. Ms. Herman advised Defendant AMES that she had just arrived at the jail and
23 needed to process the suspect.

24 110. Detective A. Cox eventually arrived at the jail and met Ms. Herman, Sergeant Auvil
25 and Deputy Bear.

26 111. Detective A. Cox provided Ms. Herman with a name and a vehicle and nothing
more.

1 112. Ms. Herman commented that the information provided did not give her much
2 information to confront the suspect and advised that Sergeant Auvil had already built a rapport with
3 the suspect. Ms. Herman advised Detective A. Cox that if he wished to be in the interview, he
4 would sit second chair and she would take primary lead.

5 113. Detective A. Cox, in front of everyone, proceeded to question Ms. Herman's ability
6 to conduct a homicide interview, including asking her "how many confessions" she has gotten and
7 "how many homicides" she has investigated.

8 114. After the interview, Ms. Herman was substantially left out of the investigation which
9 she was supposed to lead.

10 115. Indeed, all her duties were stripped from her without explanation.

11 116. Detective A. Cox later applied for a search warrant without Ms. Herman's
12 knowledge.

13 117. Detective A. Cox filled out the probable cause sheet to arrest the suspect for open
14 murder without Ms. Herman's knowledge.

15 118. Ms. Herman filed a formal complaint with Human Resources regarding this
16 incident.

17 119. Defendant OSBORNE has substantially failed to communicate any results of an
18 investigation being undertaken regarding Ms. Herman's complaint.

19 120. Defendant OSBORNE has failed to respond to the complaint at all.

20 **FIRST CLAIM FOR RELIEF**

21 **Hostile Work Environment – 42 U.S.C. § 2000(e)(2)**

22 **(Defendants ELKO COUNTY and FISHER)**

23 121. Plaintiff refers to and by such reference incorporates herein each, every, and all
24 averments contained in the preceding paragraphs as though fully set forth herein.

25 122. Plaintiff is female.

26 123. Plaintiff suffered adverse employment action in the form of a hostile work
environment because of her sex/gender.

1 134. Defendant ELKO COUNTY, acting under color of state law and or purporting to
2 act under color of law, and within the course and scope of employment, deprived Ms. Herman of
3 rights secured by the Constitution.

4 135. Defendant ELKO COUNTY, through its official actions, has violated the
5 Constitution.

6 136. The conduct violated Plaintiff's right to be free from discrimination and retaliation
7 for complaining of discrimination based on gender and sexual orientation as guaranteed by the
8 Equal Protection Clause of the Fourteenth Amendment to the United States Constitution, applicable
9 to the County of Elko through the Fourteenth Amendment, while acting under color of State law,
10 subjecting Defendant ELKO COUNTY to liability under 42 U.S.C. § 1983 for all of the
11 aforementioned damages, attorney's fees, and costs.

12 **THIRD CLAIM FOR RELIEF**

13 **Negligent Training**

14 **(Defendant ELKO COUNTY)**

15 137. Plaintiff refers to and by such reference incorporates herein each, every, and all
16 averments contained in the preceding paragraphs as though fully set forth herein.

17 138. Nevada law imposes a duty on Defendant ELKO COUNTY to use reasonable care
18 in the training and supervision of employees to ensure that they are fit for their positions.

19 139. Defendant ELKO COUNTY breached that duty when it became aware of its
20 employees' harassing behavior but did nothing to correct it.

21 140. Ms. Herman suffered damages, including mental and physical distress, as a result of
22 Defendant ELKO COUNTY's conduct.

23 141. Defendant ELKO COUNTY has failed to exercise reasonable care in the training of
24 its personnel, who are incompetent in the foregoing respects, and who would not be incompetent
25 in the foregoing respects but for this negligent training, subjecting ELKO COUNTY to liability for
26 all damages proximately caused by its negligence, to include the aforementioned damages, as well
as attorney's fees and costs.

FOURTH CLAIM FOR RELIEF

Negligent Supervision

(Defendant ELKO COUNTY)

142. Plaintiff refers to and by such reference incorporates herein each, every, and all averments contained in the preceding paragraphs as though fully set forth herein.

143. Defendant ELKO COUNTY had a duty to properly supervise its employees to prevent foreseeable harm.

144. Defendant ELKO COUNTY breached that duty when it failed to supervise its employees which resulted in harassment to Plaintiff.

145. Ms. Herman suffered damages, including mental and physical distress, as a result of Defendant ELKO COUNTY's conduct.

146. Defendant ELKO COUNTY failed to enforce policies and procedures regarding discrimination in the workplace, thereby failing to discourage further constitutional violations on the part of its employees.

147. Defendant ELKO COUNTY inadequately supervised its deputies and other officers thereby failing to adequately discourage further constitutional violations on the part of its employees.

148. Plaintiff is entitled to compensatory damages, and reasonable attorneys' fees and costs to the extent Nevada law allows.

FIFTH CLAIM FOR RELIEF

Negligent Retention

(Defendant ELKO COUNTY)

149. Plaintiff refers to and by such reference incorporates herein each, every, and all averments contained in the preceding paragraphs as though fully set forth herein.

150. Defendant ELKO COUNTY had a duty to remove an employee when it knows or has reason to know that the employee poses a risk of harm to others.

151. Defendant ELKO COUNTY breached that duty when it retained each individual Defendant named herein after creating a hostile work environment.

1 152. As a direct and proximate cause of Defendant ELKO COUNTY's breach, Ms.
2 Herman has suffered stress, anxiety, inconvenience, mental anguish, loss of enjoyment, and
3 damages to personal and professional reputation.

4 153. Plaintiff is entitled to compensatory damages, and reasonable attorneys' fees and
5 costs to the extent Nevada law allows.

6 **SIXTH CLAIM FOR RELIEF**

7 **Intentional Infliction of Emotional Distress**

8 **(ALL Defendants)**

9 154. Plaintiff refers to and by such reference incorporates herein each, every, and all
10 averments contained in the preceding paragraphs as though fully set forth herein.

11 155. Defendants' conduct was extreme or outrageous with either the intention of, or
12 reckless disregard for, causing emotional distress to Ms. Herman.

13 156. Ms. Herman suffered severe or extreme emotional distress as the actual or proximate
14 result of Defendants' conduct.

15 157. Ms. Herman has been treating with a medical provider related to the foregoing
16 incident.

17 158. Ms. Herman is thus entitled to compensatory and consequential damages against
18 Defendants in excess of \$15,000.

19 159. As it has been necessary for Ms. Herman to retain the services of attorneys to
20 prosecute this action, she is entitled to her reasonable attorney's fees and litigation costs.

21 **SEVENTH CLAIM FOR RELIEF**

22 **Civil Conspiracy**

23 **(Defendants AMES, FISHER, LEWIS, OSBORNE, COX and NARVAIZA)**

24 160. Plaintiff refers to and by such reference incorporates herein each, every, and all
25 averments contained in the preceding paragraphs as though fully set forth herein.

26 161. Defendants, by acting in concert, intended to accomplish an unlawful objective for
the purpose of harming Ms. Herman.

1 162. Ms. Herman sustained damages resulting from Defendants' act(s) and/or failure to
2 act.

3 163. Ms. Herman is thus entitled to compensatory and consequential damages against
4 Defendants in excess of \$15,000.

5 164. As it has been necessary for Ms. Herman to retain the services of attorneys to
6 prosecute this action, she is entitled to her reasonable attorney's fees and litigation costs.

7 **PRAYER FOR RELIEF**

8 WHEREFORE, Ms. Herman prays for relief as follows:

- 9 1. For compensatory and consequential damages against Defendants;
10 2. For exemplary and punitive damages against Defendants;
11 3. For an award of reasonable attorney's fees and costs incurred herein;
12 4. For pre-judgment and post-judgment interest on the foregoing amounts; and
13 5. For such other and further relief as this Court may deem just and proper.

14 DATED this 4th day of February 2025.

15 **CLARK HILL PLC**

16 By /s/ Gia N. Marina, Esq.
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